

US EPA RECORDS CENTER REGION 5



404019

5WQC-TUF-8

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. C. W. Axce
General Manager
BASF Wyandotte Corporation
1609 Biddle Avenue
Wyandotte, Michigan 48192

Re: BASF Wyandotte Corporation
Riverview, Michigan
Order Pursuant to 33 U.S.C.
Section 1318 and 1319(a)
Docket No. V-W-87-40-43

Dear Mr. Axce:

Enclosed herewith is the above-referenced Administrative Order.

Compliance with the terms of this Order is required within the time period specified in the Order. Failure to comply with the Order may subject BASF to further enforcement actions pursuant to Title 33 U.S.C. Section 1319.

If you have any questions concerning this matter, please contact Ms. Joan Arthur of my staff at (312) 353-2110. Please send your written responses to the addresses specified in the Order.

Sincerely,

Charles H. Sutfin
Director, Water Division

Enclosure

cc: Paul Zuger, Chief
Surface Water Quality Division
MDNR

Roy Schrameck, District Supervisor
Surface Water Quality Division
MDNR

*rec'd - BHE
7/6/87
cc'd to
Connie Puchalski*

bcc: P. Gair, EN-338
Bridges
Leder, PMU
. file

SMCC-TUB-8: Arthur/lwh/06-23-87

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LPS 6/30/87

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION V

IN THE MATTER OF:

BASF WYANDOTTE CORPORATION
RIVERVIEW, MICHIGAN

PROCEEDING UNDER SECTION
309(a) of the CLEAN WATER ACT,
33 U.S.C. Section 1319(a)

DOCKET NO. V-W-87-AO-43

FINDINGS OF VIOLATION
AND
COMPLIANCE ORDER

The following FINDINGS OF VIOLATION and COMPLIANCE ORDER are issued pursuant to the authority vested in the Administrator of the United States Environmental Protection Agency (U.S. EPA) by the above-referenced statute (CWA) and duly redelegated to the undersigned Director, Water Division.

FINDINGS

1. The BASF Wyandotte Corporation (BASF) owns the site located between Bridge Road and Biddle Avenue in Riverview, Michigan, and the Trenton Channel of the Detroit River. The site was formerly operated as a landfill for industrial waste.
2. As determined by the analysis of groundwater samples collected quarterly by BASF from monitoring wells located on the site, the groundwater under the site is contaminated with arsenic, mercury, and naphthlene.
3. A site evaluation conducted in 1978 by the consulting firm of Dames and Moore at the request of BASF indicates the groundwater under the site flows toward the Trenton Channel of the Detroit River.
4. As determined by samples obtained from the site on September 29, 1986, by the Michigan Department of Natural Resources (MDNR), the stormwater

run-off from the site and ground water seepage is contaminated with arsenic and mercury.

5. The stormwater conveyance ditches on the site are point sources as defined in Section 502(14) of the CWA, 33 U.S.C. 1362(14).

6. Section 301(a) of the CWA makes it unlawful to discharge pollutants into the waters of the United States except in conformance with the terms and conditions of a National Pollutant Discharge Elimination System (NPDES) permit properly issued pursuant to Section 402 of the Act, 33 U.S.C. 1342.

7. Section 402 of the CWA establishes the NPDES permit program. Pursuant to Section 402(b) of the CWA, 33 U.S.C. 1342(b), the Administrator of the U.S. EPA on October 17, 1973, approved a program whereby the State of Michigan through the Michigan Water Resource Commission (MWRC) is authorized to issue and administer NPDES permits subject to the limitations set forth in the CWA and a Memorandum of Agreement between the U.S. EPA and MWRC.

ORDER

BASED ON THE FOREGOING FINDINGS, and pursuant to the authority vested in the Administrator, U.S. Environmental Protection Agency, under Section 308 and 309(a) of the Clean Water Act and by him duly redelegated to the Regional Administrator, Region V, which authority has been duly redelegated to the undersigned, IT IS SO ORDERED:

1. That within fifteen (15) days of receipt of this Order, BASF shall submit to the Director, Water Division, U.S. EPA, Region V, 230 South Dearborn Street, Chicago, Illinois, 60604, Attention: Compliance Section

and to the Director, MDNR, Steven T. Mason Building, P.O. Box 30028, Lansing, Michigan, 48909, Attention: Surface Water Quality Division a written certification of BASF's intent to comply.

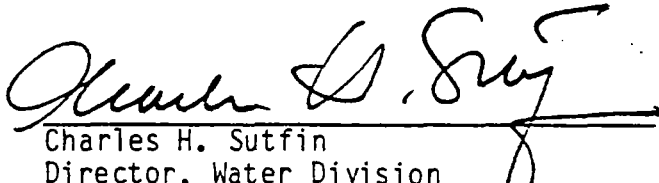
2. Within sixty (60) days of the receipt of this order, BASF shall prepare and submit to U.S. EPA and MDNR an approvable plan and implementation schedule for determining the quantities and sources of the pollutants being discharged to the Trenton Channel of the Detroit River through stormwater run-off and groundwater seepage. The plan shall provide for flow monitoring, sampling and analysis during at least two storm events. BASF shall complete all actions set out in the plan within one hundred-twenty (120) days of U.S. EPA approval. If the plan or implementation schedule is not approved, BASF shall make the necessary revisions within thirty (30) days of notification by U.S. EPA.

3. Within forty-five (45) days of the completion of the study detailed above, BASF shall submit to U.S. EPA and MDNR a report which details the results of the study. In addition, BASF shall submit a compliance schedule and implementation schedule to U.S. EPA and MDNR which specifies the remedial actions to be undertaken by BASF to eliminate, or reduce to the lowest level achievable through best available technology, all pollutants discharged by BASF to the Trenton Channel of the Detroit River. The compliance plan and implementation schedule shall provide that all remedial actions will be completed as soon as possible, but in any event within one year. If the compliance plan or implementation schedule is not approved by U.S. EPA and MDNR, BASF shall make the necessary revisions no later than thirty (30) days after notification by U.S. EPA or MDNR.

4. That at the same time the report required in Paragraph 3 is submitted, BASF shall submit to the MDNR an application for a NPDES permit covering the discharge of pollutants to the Trenton Channel. This application shall be prepared in conformance with State and Federal regulations and procedures related to the NPDES permit process.

Neither the issuance of this Order, nor compliance with this Order by BASF Wyandotte, shall be deemed to relieve BASF of liability for any penalty, fine, remedy or sanction authorized to be imposed pursuant to Section 309(b), (c), (d) and/or (g) of the Clean Water Act, as amended, for any violation of the terms and conditions of the applicable requirements of the Clean Water Act. The U.S. EPA specifically reserves the right to seek any or all of the remedies specified in Section 309(b), (c), (d), and/or (g) of the Clean Water Act for each and every violation cited in this Compliance Order.

Signed this 30th day of June, 1987


Charles H. Sutfin
Director, Water Division
U.S. Environmental Protection Agency
Region V

bcc: M. Gair, EN-338
Bridges
Leder, PMU
file

5WQC-TUB-8: Arthur/lwh/06-23-87